

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

**STATUS CONFERENCE**

In Re: Pork Antitrust Litigation

**COURT MINUTES**

BEFORE: John R. Tunheim  
U.S. District Judge

John F. Docherty  
Magistrate Judge

Case No:	18-1776 JRT/JFD
Date:	December 20, 2022
Deputy:	Heather Arent
Court Reporter:	Kristine Mousseau
Time Commenced:	10:10 a.m.
Time Concluded:	11:01 a.m.
Time in Court:	51 Minutes

Hearing on: Status Conference

**I. Remaining Depositions**

The parties presented arguments regarding two depositions the Defendants seek to take, which are past the relevant discovery deadlines: Sioux-Preme and Courtney Knupp. The Court concluded that the delay in these depositions was due to facts that were not within the Defendants' control, and the Court found good cause to amend the pretrial scheduling order to allow the depositions of Sioux-Preme and Courtney Knupp to proceed.

**II. "Industry Day" Proceeding**

The parties presented arguments for and against conducting an "industry day" proceeding for the parties to educate the Court on the hog and pork industries. The Court concluded that such a proceeding is not necessary at this stage of the case. However, the Court indicated that it will add one hour to each side's arguments in the January 31, 2023 class certification hearing. The parties may present educational elements in their arguments at that time. This change will bring the class certification hearing from four hours in length to six hours.

### **III. Other Discovery Matters**

The Court briefly addressed the process and schedule related to authenticity and admissibility of potential trial exhibits, Seaboard's production of Daily's post spin-off structure data, and the letter rogatory that Plaintiffs served on Canadian counsel for Tyson. The Court found that the parties were working on these issues and that it need not take action on them at this time.

### **IV. Direct Action Plaintiffs' Consolidated Amended Complaint**

The Direct Action Plaintiffs filed a consolidated amended complaint on December 5, 2022, and Defendant Triumph Foods, LLC indicated that it plans to file a motion for leave to file a motion for summary judgment in regards to the claims against it in that consolidated amended complaint. The Court will review the motion for leave when it is filed.

### **V. Additional Class Certification Briefing**

The Defendants indicated that they intend to ask the Court for leave to file a surreply for the motions for class certification. The Defendants and Class Plaintiffs both presented arguments on this matter. The Court held that the Defendants may file a surreply, but that they must be filed within one week of the December 20, 2022 status conference, must be no longer than five pages in length, and should not include additional expert reports. The Class Plaintiffs will then have one week to file a sur-surreply in response to the Defendants' surreply.

### **VI. Objections to Magistrate Judge Decision**

The Court acknowledged that it has received certain Direct Action Plaintiffs' objection to the November 16, 2022 Magistrate Judge order denying a motion to compel, and that it will review the parties positions and issue an order on the matter.

### **VII. Next Status Conference**

The Court has scheduled the next status conference for January 24, 2022 at 3PM via video conference.

### **APPEARANCES:**

Plaintiffs: Brian Clark, Eugene Spector, Joseph Bourne, Amanda Jesteadt, Michael Ponzoli, Stephen Owen, Joshua Rissman, Shana Scarlett, Joseph Bruckner, Blaine Finley, Kyle Bates, Yelena Dewald, Patrick Ahern, Jeffrey Bergman, Garth Yearick, Kristen Gore, Robert Kaplan, David Eddy, Sarah Jones, Scott Gant, Jack Stern

Defendants: Liam Phibbs, Daniel Laytin, Jenna Stupar, Max Samels, Craig Coleman, Jessica Nelson, Sami Rashid, Peter Schwingler, Brian Robinson, Christopher Smith, James Spung, Jarod Taylor, Tiffany Rider Rohrbaugh

s/Heather Arent  
Courtroom Deputy Clerk